

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

In re:

Delmas F. Fresh
April D. Fresh
aka April D. Palmer
Debtor(s)

Bankruptcy Case No.: 18-21199-JAD
Issued Per Oct. 11, 2018 Proceeding
Chapter: 13
Docket No.: 42 – 19, 30, 31
Concil. Conf.: at

**ORDER OF COURT CONFIRMING PLAN AS MODIFIED
AND SETTING DEADLINES FOR CERTAIN ACTIONS**

(1.) PLAN CONFIRMATION:

IT IS HEREBY ORDERED that upon consent of the Debtor(s), the Chapter 13 Plan dated August 13, 2018 is CONFIRMED as modified at the Plan confirmation hearing. Terms of the Plan not expressly modified by this Order remain in full force and effect. A copy of this Plan was previously mailed to you. *Only those provisions which are checked below apply to this case:*

- ☒ A. For the remainder of the Plan term, the periodic Plan payment is amended to be \$2,395 as of October 2018. Debtor(s)' counsel shall file a motion to amend the income attachment order within seven (7) days of the date of this Order.
- ☐ B. The length of the Plan is increased to a total of months. This statement of duration of the Plan is an approximation. The Plan shall not be completed until the goals of the Plan have been achieved. The total length of the Plan shall not exceed sixty (60) months.
- ☐ C. Plan confirmation is on an interim basis only as a form of adequate protection. The Trustee is authorized to distribute to secured and priority creditors with percentage fees. ***A final plan conciliation conference will be held on at , in .*** If the Parties cannot resolve all disputes at the conciliation conference, a hearing will be scheduled and orally announced at the conclusion of the conference without any further written notice to any party. Parties are directed to monitor the Court's docket and read the Chapter 13 Trustee's minutes of the conciliation conference to the extent such parties desire more information regarding the outcome of the conciliation conference.
- ☐ D. Plan confirmation is subject to the resolution of all actions to determine the avoidability, priority, or extent of liens; including determination of the allowed amount of secured claims under 11 U.S.C. §506, disputes over the amount and allowance of claims entitled to priority under 11 U.S.C. §507, and all objections to claims.
- ☐ E. The allowed claims of general unsecured creditors shall be paid from available funds on a pro rata basis, which may represent an increase or decrease in the amount projected in the Plan.
- ☐ F. shall be paid monthly payments of \$ beginning with the Trustee's distribution and continuing for the duration of the plan term, to be applied by that creditor to its administrative claim, budget payments and/or security deposit. These payments shall be at the third distribution level.
- ☒ G. The claims of the following creditors shall govern as to amount, classification and rate of interest (or as otherwise noted), unless the Debtor(s) successfully objects to the claim: Ally Bank at Claim No. 1 .
- ☒ H. Additional Terms: The secured claim of Fayette County Tax Claim Bureau at Claim No. 2 shall govern as to claim amount, to be paid at the modified plan terms at 9 percent as secured.

(2.) IT IS FURTHER ORDERED THAT THE FOLLOWING DEADLINES ARE ESTABLISHED:

A. Objections to the Plan. Pursuant to *Fed.R.Bankr.P. 2002(b)*, this Order shall not become final for a period of twenty-eight (28) days. Any party in interest with an objection to any provision of this Confirmation Order must file a written objection within that twenty-eight (28) day period. Failure to timely object shall be deemed a waiver of all objections and an acceptance of the provisions of this confirmed Plan. The Trustee may disburse funds pursuant to this confirmation order upon its entry.

B. Applications to retain brokers, sales agents, or other professionals. If the Plan contemplates sales of assets or litigation proceeds as a source of funding, Debtor(s) shall file motion(s) to employ the necessary professionals within thirty (30) days hereof.

C. Review of Claims Docket and Objections to Claims. Pursuant to *W.PA.LBR 3021-1(c)(2)*, the Debtor or Debtor's attorney, if represented, shall review the proofs of claim filed and shall file objections to any disputed claims within ninety (90) days after the claims bar date or, for late filed or amended claims, within ninety (90) days after they are filed and served. Absent an objection, the proof of claim will govern as to the classification and amount of the claim. Objections filed after the ninety (90) days specified herein shall be deemed untimely.

D. Motions or Complaints Pursuant to §§506, 507 or 522. All actions to determine the priority, avoidability, or extent of liens, all actions pursuant to *11 U.S.C. §§506, 507 and 522* shall be filed within ninety (90) days after the claims bar date.

E. Filing Amended Plans. Within fourteen (14) days after the Bankruptcy Court resolves the priority, avoidability, or extent of a lien, or any objection to claim, the Debtor(s) shall file an amended Plan to provide for the allowed amount of the claim if the allowed amount differs from the amount stated in the plan. Debtor(s) shall also file an amended Plan within thirty (30) days after the claims bar date(s) in the event that no objection is filed and the claim(s) as filed causes the Plan to be underfunded.

(3.) ***IT IS FURTHER ORDERED THAT:***

A. After the claims objection deadline, the Plan shall be deemed amended to conform to the claims filed or otherwise allowed. If the Plan expressly modified the terms of payment to any creditor pursuant to *11 U.S.C. §1322(b)(2)*, nothing in this Order shall be construed to change the payment terms established in the Plan.

B. Any creditor who files or amends a proof of claim shall serve a copy on the Debtor(s) or counsel for the Debtor(s).

C. Any creditor whose payment changes due to variable interest rates, change in escrow, or change in monthly payments, shall notify the Trustee, Debtor(s)' counsel and Debtor(s) at least twenty-one (21) days prior to the change taking effect.

D. Debtor's counsel must file a fee application in accordance with *W.PA.LBR 2016-1* before attorney fees in excess of the "no look" provision (including retainer) will be allowed or paid.

E. The Trustee shall file a *Certificate of Default and Request for Dismissal* of the case in the event of a material Plan default. If the default involves failure to make a plan payment the case will result in dismissal without further hearing upon filing and service of an *Affidavit of Default* by the Trustee. The Trustee is not precluded from raising pre-confirmation defaults in any subsequent motion to dismiss.

F. In the event that any order is entered in this case granting relief from the automatic stay to a secured creditor, then the Trustee shall make no further disbursements to any creditor on account of any ***secured claim*** that is secured by the subject property, unless directed otherwise by further Order of Court.

Dated: October 17, 2018

Jeffery A. Deller
United States Bankruptcy Judge

cc: All Parties in Interest to be served by Clerk in seven (7) days

Certificate of Notice Page 4 of 6
 United States Bankruptcy Court
 Western District of Pennsylvania

In re:
 Delmas F. Fresh
 April D. Fresh
 Debtors

Case No. 18-21199-JAD
 Chapter 13

CERTIFICATE OF NOTICE

District/off: 0315-2

User: jhel
 Form ID: 149

Page 1 of 3
 Total Noticed: 63

Date Rcvd: Oct 17, 2018

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Oct 19, 2018.

db/jdb
 14801063 #+Delmas F. Fresh, April D. Fresh, 267 Hardin Hollow Road, Smithfield, PA 15478-1527
 14801065 +AES/Suntrust, P.O. Box 61047, Harrisburg, PA 17106-1047
 14859764 +BANK OF AMERICA, PO BOX 982238, EL PASO TX 79998-2238
 14801066 (address filed with court: Bank of America, P.O. Box 982235, El Paso, TX 79998-2235)
 14801067 +Bank of America, N.A., P O Box 982284, El Paso, TX 79998-2284
 14801068 Barclays Bank, P.O. Box 8802, Wilmington, DE 19899-8802
 14801069 +Best Buy Visa, P.O. Box 790441, Saint Louis, MO 63179-0441
 14801070 +Capital Insurance Company, 2001 Joshua Road--Suite 300, Lafayette Hill, PA 19444-2431
 14801071 Central Cardiovascular Associates, 1350 Locust Street--Suite 100, Pittsburgh, PA 15219-4738
 14801072 +Clear Mountain Bank, P.O. Box 205, Bruceton Mills, WV 26525-0205
 14801073 +Credit Acceptance Corp., Silver Triangle Building, 25505 West Twelve Mile Road, Southfield, MI 48034-8331
 14801074 +Credit Collections, USA, 16 Distributor Drive--Suite 1, Morgantown, WV 26501-0121
 14801075 +Credit Protection Association, 13355 Noel Road--Suite 2100, Dallas, TX 75240-6837
 14801076 +Debt Collection Partners, 11 Commerce Driver--Suite 208, Westover, WV 26501-3858
 14801077 +Fayette County Tax Claim Bureau, c/o Sheryl R. Heid, Esq., 4 North Beeson Boulevard, Uniontown, PA 15401-3438
 14801078 +Fayette County Tax Claim Bureau, Fayette County Courthouse, 61 East Main Street, Uniontown, PA 15401-3514
 14801079 +Fidelity Properties, P.O. Box 2055, Alliance, OH 44601-0055
 14801081 +Genesis Bankcard/Celtic Bank, 268 South State Street--Suite 300, Salt Lake City, UT 84111-5202
 14801082 +Home Depot, P.O. Box 790328, Saint Louis, MO 63179-0328
 14801084 Hot Topic/Comenity Bank, P.O. Box 659450, San Antonio, TX 78265-9450
 14801085 +Magee Womens Hospital, Attn: Billing Department, 2 Hot Metal Street, Dist. Room 386, Pittsburgh, PA 15203-2348
 14877076 Mariner Finance, P.O. Box 35394, Baltimore, MD 21222-7394
 14801086 +Mariner Finance, LLC, 8211 Town Center Drive, Nottingham, MD 21236-5904
 14818712 Mon Health Medical Center Clinics, 600 Suncrest Town Centre--Suite 310, Morgantown, WV 26505-1873
 14860264 +PHEAA, PO Box 8147, Harrisburg, PA 17105-8147
 14801093 +PNC Bank, N.A., PO Box 94982, Cleveland, OH 44101-4982
 14801091 PNC Cardmember Services, P.O. Box 3429, Pittsburgh, PA 15230-3429
 14801097 Penn Credit, 916 South 14th Street, P.O. Box 988, Harrisburg, PA 17108-0988
 14801099 +Southwood Psychiatric Hospital, 2575 Boyce Plaza Road, Pittsburgh, PA 15241-3994
 14828458 +TOYOTA MOTOR CREDIT CORPORATION, PO BOX 8026, CEDAR RAPIDS IA 52408-8026
 14801100 (address filed with court: Toyota Financial Services, P.O. Box 8026, Cedar Rapids, IA 52408-8026)
 14833633 +Toyota Motor Credit Corporation, PO Box 9013, Addison, Texas 75001-9013
 14849370 +Transworld Systems, Inc., 300 Cedar Ridge Drive--Suite 307, Pittsburgh, PA 15205-1159
 14801101 UPMC Health Services, PO Box 1123, Minneapolis, MN 55440-1123
 UPMC Physician Services, PO Box 1123, Minneapolis, MN 55440-1123
 +University Health Associates, P.O. Box 776, Morgantown, WV 26507-0776

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
 cr

14803782 +E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Oct 18 2018 03:08:58
 PRA Receivables Management LLC, POB 41067, Norfolk, VA 23541-1067
 14801064 E-mail/Text: ally@ebn.phinsolutions.com Oct 18 2018 02:33:14 Ally Bank, PO Box 130424, Roseville MN 55113-0004
 14801073 E-mail/Text: ally@ebn.phinsolutions.com Oct 18 2018 02:33:14 Ally Financial, P.O. Box 130424, Roseville, MN 55113-0004
 14801083 E-mail/PDF: creditonebknofications@resurgent.com Oct 18 2018 02:31:52 Credit One Bank, P.O. Box 98873, Las Vegas, NV 89193-8873
 14859845 E-mail/Text: cio.bncmail@irs.gov Oct 18 2018 02:33:22 Internal Revenue Service, P.O. Box 7346, Philadelphia, PA 19101-7346
 14859803 E-mail/PDF: resurgentbknofications@resurgent.com Oct 18 2018 02:31:53
 LVNV Funding, LLC its successors and assigns as, assignee of MHC Receivables, LLC and, FNBM, LLC, Resurgent Capital Services, PO Box 10587, Greenville, SC 29603-0587
 14859841 E-mail/PDF: resurgentbknofications@resurgent.com Oct 18 2018 02:31:54
 LVNV Funding, LLC its successors and assigns as, assignee of North Star Capital, Acquisition LLC, Resurgent Capital Services, PO Box 10587, Greenville, SC 29603-0587
 14801087 E-mail/PDF: resurgentbknofications@resurgent.com Oct 18 2018 02:31:54
 LVNV Funding, LLC its successors and assigns as, assignee of CVF Consumer Acquisition, Company, Resurgent Capital Services, PO Box 10587, Greenville, SC 29603-0587
 14825001 E-mail/Text: BNC-ALLIANCE@QUANTUM3GROUP.COM Oct 18 2018 02:33:28
 New York & Company/Comenity Bank, Attn: Bankruptcy Department, P.O. Box 182125, Columbus, OH 43218-2125
 14801088 E-mail/PDF: cbp@onemainfinancial.com Oct 18 2018 02:32:07 ONEMAIN, P.O. BOX 3251, EVANSVILLE, IN 47731-3251
 14801089 E-mail/PDF: cbp@onemainfinancial.com Oct 18 2018 02:31:44 One Main Financial, Fayette Crossing Shopping Center, 219 Walmart Drive--Suite C, Uniontown, PA 15401-8423
 E-mail/Text: RVSVCBICNOTICE1@state.pa.us Oct 18 2018 02:33:43 PA Department of Revenue, Bankruptcy Division, P.O. Box 280946, Harrisburg, PA 17128-0946

District/off: 0315-2

User: jhel
Form ID: 149

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Total Noticed: 63

Date Rcvd: Oct 17, 2018

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center (continued)

14801094 E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Oct 18 2018 02:53:54
Portfolio Recovery, 120 Corporate Boulevard--Suite 1, Norfolk, VA 23502
14927317 E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Oct 18 2018 02:31:50
Portfolio Recovery Associates, LLC, PO Box 41067, Norfolk, VA 23541
14849454 E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Oct 18 2018 02:31:49
Portfolio Recovery Associates, LLC, POB 12914, Norfolk VA 23541
14802952 +E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Oct 18 2018 02:53:54
PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021
14801090 E-mail/PDF: gecsedirecoverycorp.com Oct 18 2018 02:31:30
Paypal Buyer Credit/Synchrony Bank, Attn: Bankruptcy Department, P.O. Box 965060,
Orlando, FL 32896-5060
14809572 E-mail/Text: RVSVCBICNOTICE1@state.pa.us Oct 18 2018 02:33:43
Pennsylvania Department of Revenue, Bankruptcy Division, PO Box 280946,
Harrisburg PA 17128-0946
14801092 +E-mail/Text: bankruptcy@pinnaclelrecovery.com Oct 18 2018 02:34:43 Pinnacle Recovery Inc.,
P.O. Box 130848, Carlsbad, CA 92013-0848
14833430 E-mail/Text: bnc-quantum@quantum3group.com Oct 18 2018 02:33:30
Quantum3 Group LLC as agent for, GPCC I LLC, PO Box 788, Kirkland, WA 98083-0788
14855822 E-mail/Text: bnc-quantum@quantum3group.com Oct 18 2018 02:33:30
Quantum3 Group LLC as agent for, Comenity Bank, PO Box 788, Kirkland, WA 98083-0788
14853527 E-mail/Text: bnc-quantum@quantum3group.com Oct 18 2018 02:33:30
Quantum3 Group LLC as agent for, MOMA Funding LLC, PO Box 788, Kirkland, WA 98083-0788
14801095 +E-mail/Text: Supportservices@receivablesperformance.com Oct 18 2018 02:34:29
Receivables Performance Management, 20816 44th Avenue West--Suite 100,
Lynnwood, WA 98036-7744
14801096 E-mail/PDF: gecsedirecoverycorp.com Oct 18 2018 02:31:30 Rural King/Synchrony Bank,
Attention: Bankruptcy Department, P.O. Box 965061, Orlando, FL 32896-5061
14830989 E-mail/Text: appebnmailbox@sprint.com Oct 18 2018 02:33:52 Sprint Corp,
Attention Bankruptcy, PO Box 7949, Overland Park, KS 66207-0949
14801098 +E-mail/Text: appebnmailbox@sprint.com Oct 18 2018 02:33:52 Sprint, P.O. Box 8077,
London, KY 40742-8077
14801102 E-mail/Text: BNC-ALLIANCE@QUANTUM3GROUP.COM Oct 18 2018 02:33:28
Victoria's Secret/Comenity Bank, Attn: Bankruptcy Department, P.O. Box 182125,
Columbus, OH 43218-2125
14801103 E-mail/PDF: gecsedirecoverycorp.com Oct 18 2018 02:32:14 Walmart MasterCard/Synchrony Bank,
Attn: Bankruptcy Dept., P.O. Box 965060, Orlando, FL 32896-5060
14801104 E-mail/Text: bankruptcydept@wyn.com Oct 18 2018 02:34:15 Wyndham Vacation Resorts, Inc.,
P.O. Box 97474, Las Vegas, NV 89195-0414

TOTAL: 29

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****

cr Toyota Motor Credit Corporation
cr* +PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021
14801080 ##+Gunter-Hayes & Associates, 3200 West Tyler Street--Suite D, P.O. Box 10870,
Conway, AR 72034-0015

TOTALS: 1, * 1, ## 1

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '++' were redirected to the recipient's preferred mailing address
pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).

Addresses marked '#' were identified by the USPS National Change of Address system as requiring an update.
While the notice was still deliverable, the notice recipient was advised to update its address with the court
immediately.

Addresses marked '##' were identified by the USPS National Change of Address system as undeliverable. Notices
will no longer be delivered by the USPS to these addresses; therefore, they have been bypassed. The
debtor's attorney or pro se debtor was advised that the specified notice was undeliverable.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Oct 19, 2018

Signature: /s/Joseph Speetjens

District/off: 0315-2

User: jhel
Form ID: 149

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Total Noticed: 63

Date Rcvd: Oct 17, 2018

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on October 17, 2018 at the address(es) listed below:

Daniel R. White on behalf of Joint Debtor April D. Fresh dwhite@zeblaw.com,
gianna@zeblaw.com;dwhite.zmw@gmail.com;r63228@notify.bestcase.com
Daniel R. White on behalf of Debtor Delmas F. Fresh dwhite@zeblaw.com,
gianna@zeblaw.com;dwhite.zmw@gmail.com;r63228@notify.bestcase.com
James Warmbrodt on behalf of Creditor Toyota Motor Credit Corporation bkgroup@kmlawgroup.com
Office of the United States Trustee ustpreregion03.pi.ecf@usdoj.gov
Ronda J. Winnecour cmecf@chapter13trusteedpa.com

TOTAL: 5